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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

|  |   |                                |
|--|---|--------------------------------|
| <b>STATE OF TEXAS, et al.,</b>           | ) |                                |
|  | ) |                                |
| Plaintiffs,                              | ) |                                |
|  | ) |                                |
| v.                                       | ) | Civil Action No. 1:14-cv-00254 |
|  | ) |                                |
| <b>UNITED STATES OF AMERICA, et al.,</b> | ) |                                |
|  | ) |                                |
| Defendants                               | ) |                                |

**SECOND DECLARATION OF JOE PETERS**

My name is Joe Peters, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Assistant Director of the Texas Department of Public Safety (DPS) Driver License Division. In this capacity, I oversee DPS's issuance of driver licenses and identification cards to residents of the State of Texas.

2. On August 16, 2012, Governor Rick Perry issued a letter to Attorney General Greg Abbott regarding the Department of Homeland Security's deferred action policy issued in 2012 which allowed unauthorized immigrants the ability to remain in the United States and receive work authorization. The letter was subsequently sent to state agencies, including DPS, and I have personally reviewed this letter in the course of my job responsibilities at DPS. In this letter, Governor Perry stated that the policy issued by the Department of Homeland Security


“confer[red] absolutely no legal status whatsoever to any alien who qualifies for the federal ‘deferred action’ designation.” It further stated that “[t]hese guidelines do not change our obligations under federal and Texas law to determine a person’s eligibility for state and local public benefits.” Additionally, the letter made clear that “[t]he secretary’s directive does not undermine or change our state laws, or any federal laws that apply within the State of Texas.” I have attached a true and correct copy of the letter sent by Governor Perry as Exhibit 1 of my declaration.

3. Officials from DPS consulted with officials from the Governor’s office regarding the directive issued in Governor Perry’s letter. In response to the letter, DPS did not change the manner in which it issued limited term driver licenses, as DPS continued to provide such licenses to non-citizen residents of Texas who presented documentation from the federal government showing that they are authorized to be in the United States as it did before the 2012 deferred action program

4. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2 day of February, 2015.



JOE PETERS

Exhibit 1 to  
Second Declaration of Joe Peters



**OFFICE OF THE GOVERNOR**

August 16, 2012

RICK PERRY  
GOVERNOR

The Honorable Greg Abbott  
Attorney General  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear General Abbott:

In a memo dated June 15, 2012, the Secretary of the U.S. Department of Homeland Security issued prosecutorial guidelines for certain unlawfully present aliens. The guidelines, which were to take effect no later than August 15, 2012, outline the secretary's intent to defer deportation actions involving those aliens for a period of at least two years. According to media reports, thousands of aliens in Texas are eligible to apply for relief from deportation under the guidelines.

I have previously expressed my position that the secretary was wrong to unilaterally undermine the law through a policy statement issued under the cover of so-called "prosecutorial discretion." I believe her actions were a slap in the face to the rule of law and our Constitutional framework of separated powers.

To avoid any confusion on the impact of the Obama administration's actions, I am writing to ensure that all Texas agencies understand that Secretary Napolitano's guidelines confer absolutely no legal status whatsoever to any alien who qualifies for the federal "deferred action" designation. In fact, the secretary specifically closed her directive by explaining that "[t]his memorandum confers no substantive right, immigration status or pathway to citizenship."

These guidelines do not change our obligations under federal and Texas law to determine a person's eligibility for state and local public benefits. Federal law prohibits conferring such benefits to most unlawfully present aliens, absent a state law to the contrary. In Texas, our legislature has passed laws that reflect the policy choices that they believe are right for Texas. The secretary's directive does not undermine or change our state laws, or any federal laws that apply within the State of Texas. I expect our state agencies to continue to comply with and enforce the laws for the protection of our citizens, communities and state treasury and in fulfillment of our constitutional duty as officials within the executive branch.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry".

Rick Perry  
Governor

RP:crp